

FISHING

321 CMR 4.09(27)

4.09: Propagation, Culture, Maintenance and Sale of Protected Freshwater Fish

(27) Prohibitions. Unless otherwise provided by M.G.L. c. 130, c. 131, c. 131A, or any rule or regulation issued under authority thereof, it is unlawful for any person:

- (a) to import, possess, maintain, culture, propagate or have custody of in Massachusetts any fish without a valid license issued pursuant to 321 CMR 4.09;
- (b) to falsify any license application or renewal, provide false documentation in support of a license application or renewal or fail to provide relevant and material information regarding a license application or renewal;
- (c) to refuse to allow reasonable inspections of the premises where the fish are kept at reasonable times by an Environmental Police Officer or by the Director or his agent;
- (d) to keep and maintain any fish in a condition or under conditions which do not comply with 321 CMR 4.09(4) or (18);
- (e) to import, possess, sell or purchase any fish which was taken or propagated unlawfully in or out of Massachusetts;
- (f) to liberate into the wild fish possessed and maintained under authority of a class 2 license without the Director or his agent being present, unless the Director waives such right, or into waters not otherwise approved by the Director;
- (g) to sell a fish for food purposes which has not been killed first and marked, labeled, or tagged as required by the Director, except as provided in 321 CMR 4.09(19)(c) and (d);
- (h) to violate any condition or restriction of a license issued prior to 321 CMR 4.09;
- (i) not to provide the Director with written notification of a change in protected fish stock which is covered by a pending application or a current license;
- (j) not to maintain for at least two years accurate records of all fish maintained and possessed or to falsify any such record or to refuse to provide such records upon request to an Environmental Police Officer or the Director;
- (k) to refuse or fail to comply with a disposal order of the Director issued pursuant to 321 CMR 4.09(26).

~~(28) Grandfather Clause. Individuals, groups, organizations or associations in possession of a current and valid aquaculture permit on the date of publication of 321 CMR 4.09 in the Massachusetts Register in 2013 shall be allowed to continue to grow the same species of fish which are listed on their permit for the remainder of the calendar year in which they are issued.~~

~~Any permits issued in accordance with M.G.L. c.131, § 52 and 321 CMR 4.01(8) authorizing the taking of baitfish from the inland waters for commercial purposes will be valid for the remainder of the calendar year in which they were issued, but will not be renewed.~~

~~Division approval of any amendment must be received by the permittee before any changes may take place. If the facility does not meet Division specifications to hold the species on the amendment, or if the facility is to be expanded, the permittee must comply with the Division specifications prior to issuance of an amended permit.~~

REGULATORY AUTHORITY

321 CMR 4.00: M.G.L. c. 131, §§ 4, 5, 23, 24, 26, 30, 49, 50, 51, and 52(a);